

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDWIN BANKS,

Plaintiff,

-against-

JOHN DOE #1, et al.,

Defendants.

24-CV-0369 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

The Court grants Plaintiff's request to be provided with a copy of his complaint, which is attached to this order.

In response to Plaintiff's request for information regarding the assignment of this case to the undersigned (*see* ECF 12)<sup>1</sup>, prior to the May 9, 2024 assignment, Plaintiff's case was not assigned to a district judge; it was unassigned ("UA"). Although the undersigned granted Plaintiff's *in forma pauperis* ("IFP") application on April 22, 2024, the action remained UA until May 9, 2024, when it was assigned to my docket. No court activity occurred in this matter before the Court granted Plaintiff's IFP application.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See*

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<sup>1</sup> "ECF" refers to the court's electronic case filing system ("ECF"). Every case that is filed in this court is opened on the court's ECF system.

*Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

Dated: October 25, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge

EDWIN BANKS,  
Plaintiff,

COMPLAINT

v.

Case No.

Bellvue Hospital, Jhon Doe #1,  
Jhon Doe #2, Jhon Doe #3,  
Jhon Doe #4

Jury Demand

Defendants.

## I. LEGAL BASIS FOR COMPLAINT

This is a 42 U.S.C. § 1983 civil action seeking relief and damages to defend and protect the rights guaranteed by the constitution and the laws of the United States.

## II. PLAINTIFF

Plaintiff is being held as EDWIN BANKS at Central NEW YORK Psychiatric Center, located at P.O. Box 300, Marcy, N.Y. 13403-0300 (Patient I.D. # 142423). Plaintiff was a convicted and sentenced state prisoner when the wrongdoing began and is now a civilly committed detainee.

### III DEFENDANTS

1. Defendant, Bellvue Hospital, is a Hospital that is located in New York City.
2. Defendant Jhon Doe 1, is an unknown Doctor at Bellvue Hospital's emergency room who treated Plaintiff around October 2021.
3. Defendant Jhon Doe 2, is an unknown Doctor at Bellvue Hospital who treated me around October 2021 and had Plaintiff's blood forcefully taken on several occasions.
4. Defendant Jhon Doe 3 is a Hospital that is located around Elmira, N.Y., in which ~~believer~~ Plaintiff believes it's name is Ogden Medical Center, in which I was treated there in 2008.
5. Defendant Jhon Doe 4 is a Doctor who worked at Southport Correctional Facility and Ogden Medical Center in Chemung County N.Y., who treated Plaintiff in 2008, and whose name I believe is Joseph Haluska or something similar.

### IV. STATEMENT OF FACTS

6. Around November/December 2007. I was serving a N.Y. State prison sentence at Southport Correctional Facility when I became sick from food contamination.
7. The Correction Officers were contaminating my food out of retaliation for me filing complaints and ~~complaints~~ grievances for their misconduct.
8. For my Stomache pain I was provided inadequate medical treatment in which I suffered for weeks with extreme pain everytime I would eat something.
9. The pain became so unbearable that I had to stop eating for days at a time in order to provide myself some type of relief from the pain that eating was causing me.
10. Because my complaints of food contamination were being ignored and mishandled, and I was not receiving proper medical care for my Stomache issues, I decided to go on a hunger strike in an effort to draw attention to what was being done to me by correctional staff — Plus I felt I had no other choice being that I was unable to eat anyway.



11. For about 28 days straight I did not eat anything during my hunger strike.
12. Around 2/18/08 I was sent to an outside hospital, Ogden Medical Center, for an evaluation in preparation of a force feeding Court proceeding that was scheduled to take place within the next couple of days.
13. At Ogden I was initially seen and evaluated by one of their Doctors, but later on throughout the process somehow the doctor from Southport, Joseph Haluska, became involved.
14. Haluska pulled out a large metal canister with a long needle that was in a black plastic bag in which he injected a substance into my groin area under my testes and told me that I would experience buzzing in my legs but it would go away, ~~I~~ But the buzzing hasn't gone away and has only gotten worse.
15. Haluska did this without my informed consent, he only told me that the injection was only to help my electrolytes. He had taken advantage of my weakened state from me not eating in 28 days because if he would have properly informed me of

what that injection was I would not have allowed it. I am still experiencing complication from that injection.

16. Around September 2013, while at Upstate Correctional Facility, I was given a T.B. shot in which I felt something travel up the left side of my arm to my upper back, then across my back to the right side, and down the right side of my torso to my lower abdominal where I felt a poke and something squirt/gushed out in that area.

17. After the experience from the T.B. shot, blood was appearing in my stool for 3 months straight in which the medical staff refuse to take serious.

18. Further, since I was given that <sup>T.B.</sup> shot, whatever Haluska injected me with was and is able to move back and forth between my legs and digestive system, which has and is causing me all types of problems — including health problems.

19. The buzzing sensation Haluska told me about is now also taking place in my abdominal causing interference with the digestion of my food.

20. The buzzing effect ~~to~~ mainly take place when

I'm trying to sleep — which I am constantly being kept up by this, thereby depriving me of sleep. For the past 10 years I have been unable to get consistent sleep.

21. over the years I have learnt how to minimize the buzzing effect by alternating my diet and ~~eating~~ <sup>ending</sup> habits by fasting. sometimes I have to go days without eating just to limit the effects and to get a piece of mind. Plus, I have to exclude meat from my diet because meat makes the effect more intense.

22. Also, I have limited my water intake to keep it at a certain level because water seems to enhance the effects to. so I have to go days without water, or minimum water, just to limit the disturbances that I am experiencing.

23. The disturbances the buzzing effect is causing is that it creates a lot of gases in my digestive system which then ~~sensitive~~ sensitive to me to whereas any movement or sound startles me awake. I would have to sit up and belch/fart to release the gas and make my food digest which could take up to 20 minutes and I would have to go through this several times each night and I would not be able to sleep until the gas is



released.

24

24. It appears that whatever I was injected with is regulating my digestive system by preventing the digestion of my food when I'm awake and then causing it to be broken down whenever I'm laying down trying to go to sleep. This is causing me major disturbances and has subjected me to mysterious physical injuries.

25. For years I have been trying to find out what exactly did Haluska injected into me that is causing my digestive system all this trouble but I have been unsuccessful.

October

26. Around ~~September~~ 2020 I was admitted to Bellvue Hospital from Rikers Island jail, and I notified the medical staff about the issues I was having with my digestive system. I was told that they would get my medical records to see what I was injected with, but I was discharged after 2-3 weeks without nothing being done.

27. I was sent back to Bellvue around September, 2021 from Rikers Island, in which I was injected with an unknown substance by a doctor in the emergency

room against my will, and he refused to stop after I yelled out loud in pain for him to stop. This lasted about a minute and left my left arm massively swollen.

28. I was then admitted to Bellvue's medical unit for further observation and treatment, and ended up ~~catch~~ mysteriously catching Covid even though I was bed ridden and didn't leave my room. I was kept on the medical unit for around 10 days and then transferred to the Mental Health unit.

29. While on the mental Health Unit I was told by a doctor that he would look into my digestive problems by getting my medical records from Ogden and see what Haluska injected into me, but he only made a half-hearted attempt by only getting around 7 pages that told him nothing about the injection.

30. Also, while at Bellvue, the doctor ordered that my blood be forcefully withdrawn against my will for non-emergency reasons on 3 different occasions, in which I was held down by several staff members and my blood was forcefully taken over my objection.

31. From everything that has happened and is going

On, I have become very suspicious that Haluska has gotten me caught up in some type of experiment or something and they (defendants) are withholding it from me and trying to make it seem like I am suffering from mental Health issues.

32. I called Haluska and spoke with him in 2021 and asked him what he injected into me but he was very dismissive and told me to review the hospital records.

33. I filed a H.I.P.P.A. with Ogden for my medical records around September 2021, and I was sent around 75 pages of records which hinted that some type of procedure was done but never stated what is the substance that Haluska injected into me.

34. I called Ogden and tried to talk with them about the matter so I could find out where the information was at in the records concerning what Haluska injected into me, but they were unwilling to help me navigate the information in the records by explaining certain things that I didn't understand.

35. Whatever it is that was injected into me I am being tortured and tormented by it, and this



was done out of retaliation for me filing complaints and grievances against Southport's staff.

36. I have been going through this for around 10 years, and since 2015 they have been covering this up by misdiagnosing me and making it seem like it's all a mental Health issue, in which they have been committing me to psychiatric institutions and trying to keep me there medicated up because of my eating habits <sup>which is</sup> ~~and~~ due to me fasting a lot as part of my spiritual practices and to maintain my digestive issues.

37. I have been seriously injured by whatever I have been injected with because I am unable to consistently eat food and drink liquids which has affected my body in ways that I don't know or could possibly understand. I am very concerned mentally, emotionally and spiritually because my body is a temple for the dwelling of God and that is being interfered with and disrupted.

38. Around May 2014, while at Upstate Corr. Fac., I gave Mary Banks a power of Attorney to act on my behalf in a limited capacity concerning things regarding this matter, but around 2 years later



I asked her to cease and desist with the power of Attorney for failing to act in my best interest.

39. I am bringing up the power of Attorney because I suspect that Ms. Banks maybe still trying to use it to interfere with matters concerning the issues herein, so I want the court ~~th~~ to know that that was the only power of Attorney I ever executed and there is no one representing me in ~~this legal matter~~ any legal capacity.

## IV. STATEMENT OF CLAIMS

40. Defendant, Jhon Doe ~~4~~ (known as Haluska), assaulted and battered Plaintiff by injecting me with an Unknown Substance/thing(s) without my informed consent.

41. Defendant, Jhon Doe ~~4~~ (Haluska), violated Plaintiff's 8th Amendment Constitutional Rights by subjecting me to cruel and unusual punishment by exposing me to a procedure that was not needed and uncalled for.

42. Defendant, Jhon Doe ~~4~~ (Haluska), violated plaintiff's 1<sup>st</sup> Amend. U.S. Const. rights because he injected me with this unknown substance/thing(s) out of

retaliation for me exercising my rights to file grievances/complaints against state officials and officers.

43. Defendant, Jhon Doe 1, Haluska, violated the United Nations Human Rights Declarations treaty by subjecting me to torture when he illegally injected me with the unknown substance/thing(s).
44. Defendants, Jhon Doe 4 (Haluska) and Jhon Doe 3 (Logden medical center), committed medical malpractice by failing to perform their duty in which they performed a procedure on me without providing me with the necessary info that would allow me to make a properly informed decision to undergo the procedure, thereby injuring me by subjecting me to torment and torturous conduct for more than a decade.
45. Defendant, Jhon Doe 3 (Logden), violated Plaintiff's 8 Amend. U.S. Const. rights by failing to train and monitor their medical staff to make sure patients are given proper and necessary medical care.
46. Defendant, Jhon Doe 3 (Logden), failed to protect Plaintiff in which their doctors has tormented me by injecting me with a torturous substance/thing(s).

47. Defendant, Jhon Doe 1 (Bellvue emergency room doctor), assaulted and battered Plaintiff by injecting me with an unknown substance/thing(s) against my will and refused to stop as I yelled out in pain for him to stop.

48. Defendant, Jhon Doe 2 (Bellvue Doctor), assaulted and Battered Plaintiff by having my blood forcefully withdrawn from me without my consent and for non-emergency reasons.

49. Defendant, Jhon Doe 1 and Jhon Doe 2 (Bellvue doctors), violated Plaintiff's 8<sup>th</sup> Amend. U.S. Const. rights when they failed to treat me for my digestive problems by acquiring my medical records to see what substance/thing(s) I was injected with by Jhon Doe 4 (Italuska).

50. Defendant, Bellvue Hospital, Violated Plaintiff's 8<sup>th</sup> Amend. U.S. Const. rights for failing to provide me with adequate care in which they did not properly hire, train and monitor their medical staff's treatment of me.

51. Defendants, Jhon Doe 1, Jhon Doe 2, and Bellvue, committed medical malpractice by providing Plaintiff with unwanted/unneeded treatment.

52. Defendants, Bellvue, Jhon Doe 1 and Jhon Doe 2, Committed medical malpractice by failing to treat Plaintiff for my digestive problems in which they could have gotten and reviewed my medical records from Ogden to see what I was injected with that is causing my digestive issues.
53. Defendants, Bellvue, Jhon Doe 1, Jhon Doe ~~2~~ 2, and Jhon Doe 3, Violated Plaintiff's Human Rights when they failed to look into my digestive problems thereby continuing to allow me to be tortured and tormented by the Unknown substance/thing(s) Haluska injected into me.
54. All Defendants are in violation of plaintiff's rights to freely practice my religion ~~(Judaism)~~ (Judaism) by having and maintaining foreign substance/objects in my body which is interfering with me dedicating my body as a temple to God through eating and fasting.

## VI RELIEF REQUESTED

55. Plaintiff would like a special Master to be appointed to investigate and uncover what it is that I have been injected with, and how they are/have been using it against me, and why they



they have been covering it up by ~~pretending~~ preventing me from finding out what the substance/object(s) are.

56. Plaintiff would like an injunction granted to prevent anyone from utilizing whatever substance/object(s) that has been injected into me and have it immediately removed out of my body.

57. Plaintiff would like for a declaration to be issued stating that my 2<sup>nd</sup> Amend. U.S. Const. rights to practice my religion should not be interfered with by introducing foreign substances/objects into my body, or withdrawing any fluids from my body, which both prevents me from dedicating my body as a Temple to God.

58. Plaintiff want the defendants to be ordered to pay a money judgement in the amount of two hundred and twenty million dollars (220,000,000\$).

I declare under penalty of perjury that the foregoing is true and correct.

marcy N.Y.

DATED: January 6, 2024

E. Bur

Signature

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS EDWIN BANKS

(b) County of Residence of First Listed Plaintiff Onieida  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Pro Se  
Central N.Y. Psychiatric Center  
P.O. Box 300  
Marcy, N.Y. 13403-0300

DEFENDANTS Bellvue Hospital, John Doe 1, John Doe 2, John Doe 3, John Doe 4

County of Residence of First Listed Defendant N.Y. County  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input checked="" type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habens Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
51983 - Civil Rights Action  
Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 220,000,000

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

January 6, 2024

FOR OFFICE USE ONLY

RECEIPT #

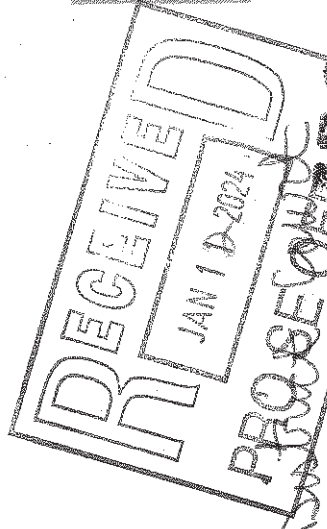
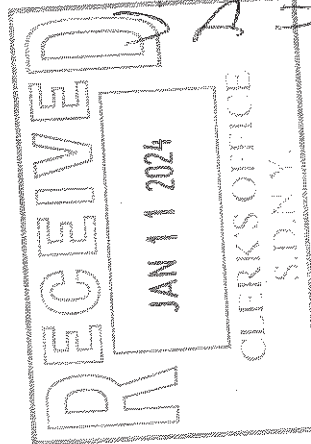
AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Edwin Banks # 142423  
P.O. BOX 300  
MARCY, NEW YORK 13403-0300



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U.S. Courthouse  
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